

10/07/01
U.S. PTO
1044

6-8-01

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U S Patent and Trademark Office, U S DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	600-1-195C
First Inventor	James E. Darnell, Jr.
Title	NUCLEIC ACIDS ENCODING ...
Express Mail Label No.	EL920251268US

JC978 U.S.P.T.O.
09/07/01**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)

2. Applicant claims small entity status.
See 37 CFR 1.27.

3. Specification [Total Pages 107]
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (*if filed*)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) [Total Sheets 42]

5. Oath or Declaration [Total Pages 3]

a. Newly executed (original or copy)

b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)

- i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)

6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

- a. Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
- c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))

10. 37 CFR 3.73(b) Statement Power of Attorney
(when there is an assignee)

11. English Translation Document (*if applicable*)

12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations

13. Preliminary Amendment

14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. Certified Copy of Priority Document(s)
(If foreign priority is claimed)

16. Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. Petition for Filing Date and Decision

17. Other: **Request for Transfer of Computer Readable Form**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)

of prior application No 09 / 488,442

Prior application information

Examiner S. Houtteman

Group Art Unit 1656

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**

<input type="checkbox"/> Customer Number or Bar Code Label	23565 <i>(Insert Customer No. or Attach bar code label here.)</i>			or <input type="checkbox"/> Correspondence address below
Name				
Address				
City	State		Zip Code	
Country	Telephone		Fax	
Name (Print/Type)	Michael D. Davis		Registration No. (Attorney/Agent)	39,161
Signature	<i>Michael D. Davis</i>		Date	June 7, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U S Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1,014.00)

Complete if Known

Application Number	unassigned
Filing Date	herewith
First Named Inventor	James E. Darnell, Jr.
Examiner Name	unknown
Group Art Unit	unknown
Attorney Docket No.	600-1-195C

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to.

Deposit Account Number **11-1153**
 Deposit Account Name

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEES CALCULATION**1. BASIC FILING FEE**

Large Entity	Small Entity
Fee Code (\$)	Fee Code (\$)
101	710
106	320
107	490
108	710
114	150
201	355
206	160
207	245
208	355
214	75
355	
150	
710	

Fee Paid

710.00

SUBTOTAL (1) (\$ 710.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
28	-20** = 8	x 18.00	= 144.00
5	- 3** = 2	x 80.00	= 160.00
Multiple Dependent			

Large Entity	Small Entity
Fee Code (\$)	Fee Code (\$)
103	18
102	80
104	270
109	80
110	18
203	9
202	40
204	135
209	40
210	9
9	
40	
135	
40	
9	

Fee Description
Claims in excess of 20
Independent claims in excess of 3
Multiple dependent claim, if not paid
** Reissue independent claims over original patent
** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 304.00)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for <i>ex parte</i> reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	390	216 195 Extension for reply within second month	
117	890	217 445 Extension for reply within third month	
118	1,390	218 695 Extension for reply within fourth month	
128	1,890	228 945 Extension for reply within fifth month	
119	310	219 155 Notice of Appeal	
120	310	220 155 Filing a brief in support of an appeal	
121	270	221 135 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,240	241 620 Petition to revive - unintentional	
142	1,240	242 620 Utility issue fee (or reissue)	
143	440	243 220 Design issue fee	
144	600	244 300 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Processing fee under 37 CFR 1.17(q)	
126	180	126 180 Submission of Information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	710	246 355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249 355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279 355 Request for Continued Examination (RCE)	
169	900	169 900 Request for expedited examination of a design application	
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)

**or number previously paid, if greater, For Reissues, see above

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Michael D. Davis	Registration No. (Attorney/Agent)	39,161	Telephone 201-487-5800
Signature	<i>Michael D. Davis</i>	Date	June 7, 2001	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement This form is estimated to take 0 2 hours to complete Time will vary depending upon the needs of the individual case Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U S Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO Assistant Commissioner for Patents, Washington, DC 20231

PATENT
600-1-195A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : JAMES E. DARNELL, JR. ET AL.

SERIAL NO. : UNASSIGNED EXAMINER : UNKNOWN

FILED : HEREWITH ART UNIT : UNKNOWN

FOR : NUCLEIC ACIDS ENCODING RECEPTOR RECOGNITION FACTORS AND METHODS OF USE THEREOF (AMENDED)

STATEMENT IN SUPPORT OF THE FILING/SUBMISSION OF A
NUCLEOTIDE/AMINO ACID SEQUENCE LISTING IN
ACCORDANCE WITH 37 C.F.R. §§1.821-1.825

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Dear Sir:

Michael D. Davis, attorney of record, hereby states as follows:

1. I hereby state that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §1.821(c) and (e), respectively, are the same.

2. I hereby state that the submission, filed in accordance with 37 C.F.R. §1.821(g) herein does not include new matter.

3. I hereby declare that all statements made herein of the undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the U.S. Code, Section 1001 and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

DATED: October 10, 1997

Michael D. Davis

MICHAEL D. DAVIS
Registration No. 39,161

SCANNED # 14

PATENT
600-1-195C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : JAMES E. DARNELL, JR. ET AL.
SERIAL NO. : UNASSIGNED EXAMINER : UNKNOWN
FILED : HEREWITH ART UNIT : UNKNOWN
FOR : NUCLEIC ACIDS ENCODING RECEPTOR RECOGNITION
FACTORS AND METHODS OF USE THEREOF (AMENDED)

REQUEST FOR TRANSFER OF COMPUTER READABLE FORM

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Dear Sir:

Applicants request that the previously submitted sequence information filed in computer readable form in Application Number 08/212,185 be used in the present Application. This sequence information was the only computer readable form filed in that Application.

Respectfully submitted,


MICHAEL D. DAVIS
Attorney for Applicant(s)
Registration No. 39,161

KLAUBER & JACKSON
411 Hackensack Avenue
Hackensack, New Jersey 07601
(201) 487-5800

Date: June 7, 2001

SCANNED, #14

COPY

600-1-073
PATENT

J1058 U.S. PRO
J109/076773
10/07/94
06/07/94
10/07/94

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : JAMES E. DARNELL, JR. ET AL.
SERIAL NO.: 08/212,185 : EXAMINER: UNKNOWN
FILED : MARCH 11, 1994 : GROUP ART UNIT: UNKNOWN
FOR : RECEPTOR RECOGNITION FACTORS, PROTEIN SEQUENCES
AND METHODS OF USE THEREOF

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States
Postal Service as first class mail in an envelope addressed to COMMISSIONER OF PATENTS
AND TRADEMARKS, WASHINGTON, DC 20231 on May 26, 1994.

Paul F. Fehlner - Marella Kapp 05/26/94
(Name of Registered Representative) - (Signature and Date)

PETITION FOR FILING DATE UNDER 37 C.F.R. § 1.53(b)

HON. COMMISSIONER OF PATENTS
AND TRADEMARKS
PROCESSING DIVISION
WASHINGTON, D.C. 20231

Sir:

In response to the Notice of Incomplete Application dated April 20, 1994, Applicants hereby petition for reinstatement of the filing date of March 11, 1994 in the above-identified Application on the grounds that the Notice is in Error. The Specification of the Application is complete; in particular there is no FIGURE 13D in the Application. FIGURE 13 consists of parts A, B, and C only.

Upon review of the Application, Applicants have noted a typographical error in the brief description of the drawings. In particular, on page 23, line 5, the Specification refers to (B-D) of FIGURE 13. However, an examination of FIGURE 13 shows that the nucleic acids sequence is completed on FIGURE

.3C. FIGURE 13A is the amino acid sequence enclosed by FIGURE 13B-C. There 749 amino acids in the amino acid sequence. Thus, only 1,089 nucleotides are required to encode the polypeptide sequence shown in FIGURE 13A. FIGURE 13B-C contains 2,277 nucleotides, more than enough to encode the polypeptide. If a FIGURE 13D existed FIGURE 13C would fill the entire page. Instead FIGURE 13C only takes half of the page; it is complete within the drawings provided.

Further examination of the Specification indicates a typographical error in the brief description of FIGURE 14. In particular, at page 23, line 9 the Specification refers to FIGURE 14(B-C). In fact, FIGURE 14 consists of parts A, B, C, and D. Therefore, it is clear that a typographical error in the Specification has resulted in confusion between the number of parts of FIGURES 14 and 13.

(Review of the Specification also indicates a typographical error with respect to the description of FIGURE 15, which consists of parts A-E.)

A Preliminary Amendment to correct the typographical errors in the brief description of drawing section of the Specification accompanies this Petition. Copies of FIGURES 13(A-C) and 14(A-D) are enclosed for the sake of convenience in examining this Petition. The Preliminary Amendment also corrects the typographical error at page 70, line 4, which refers to FIGURE 12A-12C as showing the nucleic acid and deduced amino acid sequence of the murine 91 KD protein. However, FIGURE 12 is a chromatogram depicting the identification of phosphoamino acid. The section of the

4

SCANNED

application mentioned above in fact refers to FIGURE 13A-13C. The Specification has been amended accordingly in the accompanying Preliminary Amendment.

In view of the foregoing it is clear that the Specification as filed is complete, in particular, FIGURE 13(A-C) is complete as filed. There is not, nor should there be, a FIGURE 13D.

PRAYER FOR RELIEF

In view of the facts set forth above, Applicants Petition for Grant of a filing date of March 11, 1994 in the above-identified Application. The Specification as filed was complete, therefore the Application as filed was entitled to receive the filing date of March 11, 1994.

Applicants respectfully request refund of the accompanying fee for this Petition since the Application as filed is complete.

The required fee under 37 C.F.R. § 1.17(h) is enclosed. Authorization is hereby given to charge any additional fees, or credit any overages, to Deposit Account No. 11-1153. Accordingly, a duplicate copy of this Petition is enclosed for accounting purposes.

Respectfully submitted,



Paul F. Fehlner, Ph.D.
Agent for Applicants
Registration No. 35,135

KLAUBER & JACKSON
411 Hackensack Avenue
Hackensack, New Jersey 07601
(201) 487-5800

ENCLOSURES